

STAFFORD COUNTY
AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
June 25, 2012

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, June 25, 2012, was called to order at 7:08 p.m. by Chairman Tom Coen in the County Administration Conference Room of the County Administration Building.

Members Present: Coen, Adams, Clark, and O'Hara

Members Absent: DeBernard, McClevey, and Hunt

Staff Present: Baker and Magwood

1. Call to Order

Mr. Coen called the meeting to order at 7:08 p.m. He asked Ms. Magwood to call the roll. Four members and a quorum were present. (Mr. McClevey, Mr. DeBernard, and Mr. Hunt were absent)

2. Approval of Minutes

- April 23, Minutes

Mr. Coen made a motion to accept the April 23rd minutes. Mrs. Clark so moved the motion, and mentioned that she really appreciated having the summary minutes. Mr. Adams seconded the motion. The voted passed 3 to 0 with one abstention (Mr. O'Hara abstained from the vote because he was absent at that meeting). Mr. Coen proceeded to the staff update.

3. Staff Update

- Purchase of Development Rights Program Funding

Mrs. Baker stated that they are \$11,000 under budget for what the committee had expected for the roll back tax. She stated that it does not look like the committee will have additional funding from the previous fiscal year. She stated that the committee would have to discuss how they are going to proceed with the program without additional funding because as of now they just have \$66,000 from the previous year plus the matching funds from the State of \$66,000, which gives them \$132,000. She stated that really is not enough to go through an actual program because they need a 20 acre minimum. Even at \$20,000 per development right, they are still going to need about \$400,000 to purchase the rights on just one property. Mrs. Clark stated that is incorrect, because if you have 20 acres you are only going to get 4 to 5 development rights. Mrs. Baker stated she is correct. Mrs. Clark continued saying even if they got five lots and they went with \$25,000 per development right that would be \$125,000 so they would be able to purchase a small one. Mr. Adams made the suggestion of going with the NRCS, but then it would have to

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be a working farm. Mrs. Clark asked what the procedure would be for the NRCS and if it is a sure thing. Mrs. Baker stated that it is not a sure thing, but what you have to do is actually have a property first, so for them to go through the process it is going to take them that year, and by then they will be out of time, so that will be difficult considering that they have to have the funds under a constricted timeframe. Mrs. Clark stated if they roll over the County \$66,000, would they eventually lose the State money. Mrs. Baker stated yes and the deadline is December 31, 2013. Mrs. Clark stated that by this time next year they should know if they are going to have rollback tax to put towards it. Mrs. Baker stated that the State funding becomes available and you have to apply in October and at that time you have to have designated funds, so they would have to have an additional amount by October 2012 to apply for additional funds, but they won't know until the end of the fiscal year whether they are going to have a surplus over their budgeted \$80,000. Mrs. Baker stated that the committee is \$11,000 short. She stated another option would be to let the Board of Supervisors know and ask them if they are willing to provide any additional funds for a potential program. Mrs. Clark suggested asking for \$35,000, they match that, which would come to \$70,000, and then the committee would have \$202,000. Mr. Coen stated if they were to contact the Board with a timeframe by the end of the August meeting would they know if they are going to provide the funds. Mr. Adams suggested asking for \$60,000 and matching that. Mrs. Baker stated that by July 3rd the Board will have an estimate on the year-end budget. Mrs. Clark asked when applying for the matching funds, would it be the beginning or end of October. Mrs. Baker stated it is probably between the middle and end of October, but they would definitely have to know by October. Mr. Coen suggested sending a letter to the Board and if they responded on the 21st, the committee would have feedback before the August 27th meeting. Mrs. Baker suggested writing the letter and giving it to the Board by their July 3rd meeting, or Mr. Coen could call the Board of Supervisor chair and asks her to put the discussion on the Board of Supervisors agenda. Mr. Coen stated that would be possible. Mr. O'Hara suggested having a compelling reason for the funding of the program. Mrs. Baker suggested they try to get on the August agenda to provide more time for planning and discussion. Mr. Coen stated in the worst case scenario, it would be possible to go with a 20 acre parcel. He suggested the committee plan for the 20 acre parcel, just in case more funding does not become available. Mrs. Clark agreed because if they don't go with what they already have then they risk losing the matching funds. Mr. Coen suggested moving forward with just the 20 acres. Mr. Adams agreed with Mr. Coen's statement. He mentioned that by proceeding, it informs people that the program is still active, but they have to get together to agree on a dollar figure. Mrs. Baker and Mr. Coen agreed. Mr. Coen asked what the dollar figure was. Mr. Adams stated it was \$25,000. Mr. O'Hara stated that they came at it three different ways, and it seemed like a good number. Mr. Adams stated that it was in the range of \$24,000 and \$25,000. Mrs. Clark stated that it is important to set the valuation before they ask the Board for more money. Mr. Coen called for a motion to set the dollar amount at \$25,000. Mrs. Baker suggested they wait until they complete discussion of new business before making the motion. Mr. Coen proceeded to the discussion of Transfer of Development Rights.

- Transfer of Development Rights

Mrs. Baker stated that TDR is going for discussion to the Board of Supervisors next Tuesday, as to when they might want to authorize a public hearing. She stated that the Planning Commission

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did approve it at their meeting last week, and at this point, they whittled it down so that it only allows A-2 properties as sending properties, and it is still the same area that is basically east of Brooke Road, in between Aquia and Potomac Creeks. Mrs. Clark asked about the zoning of the accepting area. Mrs. Baker stated that the receiving area is basically everything around the Courthouse, which is now referred to as the Urban Development Area, which has a variety of zoning districts, but mostly B-2 zoning with a little bit of R-1 and A-1. Mrs. Clark stated there was a gentleman in the area that said he had some concerns about the receiving area being A-1, the idea being that you could all of a sudden put a lot of houses on A-1 without it being rezoned. She stated that the gentleman felt that was not a good precedent to set. She asked if anyone else sees that as a bad precedent. She asked if the receiving area has to be in a UDA. Mrs. Baker stated that was the original wording of the Legislation, but because the State Law is changing July 1st that makes UDA's optional instead of mandatory, so they are going to be revisiting that. If they were to actually do away or rename Urban Development Areas, then they wanted to take that wording out, so it is basically spelled out by boundaries. Mrs. Clark asked if there are any restrictions on the receiving area and does it have to have water and sewer. Mrs. Baker stated yes, within that whole Urban Development area you have to connect to water and sewer. Mrs. Clark stated that she is concerned about in the future, any A-1 being able to have many houses on it without anybody rezoning. Mrs. Baker stated that they would still have to designate any specific areas as receiving areas, and the Board of Supervisors would have to go through the same process, the same public hearing, if they were to open up new areas to that. She stated that she would be sending the committee members the State Code with regard to TDR's and the proposed Ordinance that is going forward. Mrs. Clark asked if TDR was in perpetuity. Mrs. Baker stated that she is not sure how it is worded. Mrs. Clark asked if you are in a receiving area and put four houses in the A-1 area, does it stay A-1. Mrs. Baker stated if it is A-1 with certain certifications. Mrs. Clark stated that she is thinking of the unintended consequences in both directions for the farming community and the subdivision community. Mr. Coen asked if there was anything else on TDRs. With no further comments, he proceeded to new business.

4. New Business

- PDR Program

(Discussed in Unfinished Business)

- Farmers Market Process and Regulations

Mrs. Bakers stated that the committee needed to discuss the Farmers Market Process because the Planning Commission did pass it last week and there will be a forth-coming article in the Free-Lance Star, featuring Mr. Adams. She stated that they need to come up with the process and some draft regulations. She stated they need to talk about creating an application and a checklist, discuss the materials, and a sketch plan of the site. She stated that she could organize some things before the next meeting and set up the process to get the committee's feedback from it, and she advised the committee to work on the regulations. She stated that the most important thing is requiring a market manager and setting the limitations on the vendors and participants.

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Mrs. Clark suggested making the decisions as broad as possible. Mrs. Baker agreed. Mr. Adams stated that there are a lot of commuter parking lots that are being used as farmers markets. He stated that VDOT does not allow porta-potties on commuter lots. Mrs. Baker stated that she does not think they would not be regulating that, but she will look into it. Mr. Adams asked if he would have to resign from the committee or not vote if he decided to start a farmers market. Mrs. Bakers stated she would have to check with the County Attorney. Mr. Coen asked if someone has a farmers market now, and the regulations are established, would they have to reapply or would it be grandfathered in. Mrs. Baker stated that it could be grandfathered in, but she would have to check with the Zoning Administrator. She stated that she would resend a draft of the regulations to the committee members for review and come back with ideas for submittal. The committee members agreed. Mr. Coen proceeded to unfinished business.

5. Unfinished Business

- Development Rights Valuation

Mr. Coen called for a vote for development rights valuation. Mr. Adams made a motion to change the current \$30,000 valuation to \$25,000 per development right. Mr. O'Hara seconded the motion. With no further discussion, the vote passed 4 to 0.

- Chesapeake Bay/Total Maximum Daily Loads

Mrs. Baker stated that she did not have anything new to report, but they have had a couple of meetings with both DCR and the Tri-County people, but Matt Carroll of Tri-County is leaving. She stated that DCR was more encouraging at the meeting, as far as what needs to be done by March 2013. She stated that the template cannot be something they create because it has to have standards with a specific format. Mrs. Clark asked if they would be creating a format. Mrs. Baker stated they would assist them with developing a template that will cover everything. Mrs. Clark asked who it would be decided by. Mrs. Baker stated that DCR would guide them through it. She stated that they will not have to have any plans done by March, they just need to have a proposal laid out with a timeframe, and it should not be a big issue to be in compliance with them. Mrs. Clark asked if Spotsylvania or other areas are in compliance. Mrs. Baker stated that they were one of the first to receive a notification.

- Other Business

Mrs. Baker stated that they are getting closer to hiring a new Environmental Planner by the end of July. Mr. Adams stated that about six weeks ago, a survey came to him about the percentages of matching funds. He also informed the committee that he and his wife are going to try and farm, Fall Farm Festival in October, which would possibly consist of a farm tour, hay rides, an oxen ride, and petting zoo, but they are in need of help for driving tractors. Mr. Coen stated that he was asked to be on the Education Subcommittee for the 350th Anniversary for the County. He suggested the committee put flyers out for the festival activities. Mrs. Clark asked if this would go through 2013. Mr. Coen stated it would go through 2014, and suggested adding in something

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for the farming and agricultural history in the County. Mr. Adams stated that on Friday, July 13th Chip and Dale will be making another appearance at Chic-fil-A for Cow Appreciation Day.

6. Next Meeting

- July 23, 2012 Regular Meeting

Mr. O'Hara stated that he would be absent at the next meeting. Mrs. Baker stated that she would draft a letter to be considered by the Board of Supervisors for funds. Mr. Coen made a motion to have the next meeting on August 27, 2012. Mr. O'Hara so moved the motion. Mr. Adams seconded the motion. The vote passed 4 to 0.

7. Adjournment

With no further business, the meeting was adjourned at 8:00 p.m.